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10/564,646	01/13/2006	Hitoshi Kokumai	19A 3812 PCT	1674

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EXAMINER
KANAAN, SIMON P

ART UNIT	PAPER NUMBER
2432	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>15 September 2011</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>10,12 and 21</u> is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>10,12 and 21</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All   b)☐ Some * c)☐ None of:
       1.☐ Certified copies of the priority documents have been received.
       2.☐ Certified copies of the priority documents have been received in Application No. _____.
       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 9/15/2011 has been entered.

2.   Applicant's arguments/ amendments with respect to the previously filed 35 U.S.C. 112

2nd rejection has been considered and are persuasive therefore the previously filed 35 U.S.C. 112

2nd rejection for claims 10, 12 and 21 has been withdrawn.

3.   Applicant's arguments/ amendments with respect to pending claims 10, 12 and 21 filed

09/15/2011, have been fully considered but are not persuasive. (see arguments section below)

Applicant's Arguments

4.   Applicant argues that the cited prior art does not teach:

        a.   User information is an information unit unwilling authentication signal used when

        user authentication is performed despite the intention of the user

        b.   "Episodic memory and images associated with episodic memory"

Examiner's Response to Applicant's Arguments

5.   Applicant's arguments/ amendments with respect to pending claims 10, 12 and 21 filed

09/15/2011, have been fully considered but are not persuasive. As for applicant argument that the

cited prior art does not teach:

a.   Examiner respectfully disagrees that the cited prior art doe not teach "User information is an information unit unwilling authentication signal used when user authentication is performed despite the intention of the user" as Eitetsu, abstract, teaches having multiple passwords for authenticating where a user may use an emergency password which triggers an emergency procedure if user is forced to authenticate but wishes not to authenticate using his normal non-distressed password. A user using an emergency password, enters the password and whether it is their intention or not, an alarm is triggered. A person under duress may give an assailant the emergency password triggering the alarm. However, an assailant entering/forcing the distressed client to enter the data will unintentionally be triggering alarm. And Honarvar [0009] and [0014], teaches multiple factor authentication i.e. the emergency password will be sent along with the other authentication factors for authentication. Having the emergency password among the authentication information triggers the alarm.

b.   "Episodic memory and images associated with episodic memory", the examiner respectfully disagrees as Honarvar [0024] and [0025], teaches using multiple pieces of information including information related to person personal history i.e. episodic memory and information person has memorized in long term memory such as the county a person lives in, and Pering in Figure 2, teaches, choosing a password of a photograph, so the combination of Honarvar in view of Pering teaches using passwords relating to episodic and/or long term memory where answers for authentication are either written or displayed as images.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honarvar et

al. (US Pre-Grant Publication No: 2003/0154406 A1) hereinafter Honarvar, in view of Moto

Eitetsu (JP 2002358418(A)) hereinafter Eitetsu.

As per claim 10, Honarvar discloses an individual authentication system using a non-

transitory computer recording medium comprising:

a terminal device including an input means and a display surface; - Honarvar, [0017],

teaches displayed multiple choice questions and therefore must exist a display and [0008]

teaches inputting users information.

registration information recording means and an access information recording means both

provided in the recording medium, the registration information recording means for registering,

in advance for user authentication, user information units that include at least two information

units known by a user to be registered in authentication and non-user information that includes at

least seven information units unknown by the user for user authentication and recording the

registered information, the access information recording means for recording access information

given to the user, and said recording medium being controlled by an authentication computer; -

Honarvar, [0024]-[0025], teaches using personal history which would be user information known

to the user as well as geographic information which would be information unknown to the user

which is stored and figure 3 teaches user interacting with vendor and vendor interacting with

authentication server which checks the input.

the authentication computer having: an access information comparison determining

means for confirming, when a user candidate inputs, via input means of the terminal device,

access information, that the access information is the access information given to the user

candidate in user authentication; a registration information presenting means for outputting, on

the basis of generation of a confirmation signal from the access information comparison

determining means, the registration information recorded on the registration information

recording means and for presenting the registration information to the user candidate via a

display surface of the terminal device; a user information comparison means for comparing input

information with the recorded user information units for authentication, the input information

being selected from the user candidate based on the represented registration information and

inputted via the input means of the terminal device; - Honarvar, figure 37, teaches determining

which pieces of information to use to authenticate the user

an authentication signal generating means for generating, on the basis of authentication

determination by a user authentication determining means, an authentication signal to the

terminal device to permit the user to use the terminal device when all the input information

matches with the recorded user information units known to the user, a non-authentication signal

to the terminal device to not permit use of the terminal device when at least one of the input

information matches with the recorded non-user information units, and, - Honarvar, figure 37,

teaches authenticating the user which would generate an authentication signal once the

information input is correct, and [0019] checks number of times vendor tries to authenticate i.e. for each non-authentication signal must be sent to increase the number.

and wherein the user information is one selected from a long term memory and an episode memory of the user; - Honarvar, [0024]-[0025], teaches storing information for authentication which include personal history which would be episodic memory and county name which would be stored in long term memory

and the non-user information is non-user information synthesized on the basis of the user information - Honarvar, [0024]-[0025] and figure 37, teaches using multiple questions for authentication hence multiple passwords are needed for authentication which is multiple pieces of information synthesized.

But Honarvar does not teach at least one of the user information is an information unit for unwilling authentication signal used when user authentication is performed despite the intention of the user and an alarm signal when all the input information matches with the recorded user information and when at least one of the input information units, but not all, is an information unit for an unwilling authentication signal;

However Eitetsu teaches at least one of the user information is an information unit for unwilling authentication signal used when user authentication is performed despite the intention of the user and an alarm signal when all the input information matches with the recorded user information and when at least one of the input information units, but not all, is an information unit for an unwilling authentication signal; –Eitetsu, abstract, teaches having multiple passwords for authenticating where a user may use an emergency password which triggers an emergency

procedure if user is forced to authenticate but wishes not to authenticate using his normal non-distressed password.

It would have been obvious at the time of the invention to modify the modify the password generation verification method of Honarvar with the emergency password verification method of Eitetsu since it would be desirable for some applications such as ATM machines to have an emergency password to use if the user is forced to authenticate unwillingly but desires a different outcome than there normal non-distressed authentication.

As per claim 12, Honarvar in view of Eitetsu discloses the individual authentication system using a recording medium according to claim 10, wherein pieces of individual registration information and pieces of access information are held. - Honarvar, [0024]-[0025], teaches storing multiple pieces of information for authentication.

8.   Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Honarvar in view of Eitetsu and further in view of Pering et al. (US patent No: 7,174,462 B2) hereinafter Pering.

As per claim 21, Honarvar in view of Eitetsu discloses the individual authentication system using a recording medium according to claim 10, but does not disclose wherein the episodic memory comprises visual information selected from the group consisting of photographs, pictures, and drawings relating to episode memory.

However, Pering teaches wherein said visual information is selected from the group consisting of photographs, pictures, and drawings. –Pering, figure 2, teaches choosing a password from of a photograph.

It would have been obvious at the time of the invention for one of the ordinary skill in the art to modify the user verification method of using questions related to episodic and long term memory of user of Honarvar with using pictures for authentication of Pering because it makes it easier on the user to authenticate. -Pering, column 2, lines 16-20.

Conclusion

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Kanaan whose telephone number is (571) 270-3906. The examiner can normally be reached on Monday to Friday 8:30 AM to 5:00 PM.

If attempts to reach the above noted Examiner by telephone are unsuccessful, the Examiner's supervisor, Gilberto Barron, can be reached at the following telephone number: (571) 272-3799.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

/SIMON KANAAN/   /Gilberto   Barron Jr./
Examiner, Art Unit 2432   Supervisory Patent Examiner, Art Unit 2432